

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS**

_____)	
CHRISTA SCHULTZ, et al)	
)	
<i>Plaintiffs,</i>)	
v.)	CIVIL ACTION NO. 5:11-CV422
)	
)	
MEDINA VALLEY INDEPENDENT)	
SCHOOL DISTRICT,)	
)	
<i>Defendant.</i>)	
_____)	

**DEFENDANT’S STATEMENT REGARDING THE COURT’S ADVISORY AND
ORDER CONCERNING PROCEDURES TO REACH RESOLUTION OF THE
MERITS OF THIS CASE**

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes Medina Valley Independent School District (hereinafter referred to as “MVISD” or “the District”) and files this Statement Regarding the Court’s Advisory and Order Concerning Procedures to Reach Resolution of the Merits of This Case. In connection therewith, the District would show the Court as follows:

I.

Pursuant to the Court’s Order of July 11, 2011, the parties have consulted with each other and discussed the potential for resolving disputes between them through settlement discussions and/or mediation. Defendant Medina Valley Independent School District (“the District”) recognizes the delicacy, as well as the import, of balancing the Free Expression Clause with the Establishment Clause of the First Amendment to the United States Constitution. The District is committed to the preservation and protection of the rights of its students and its community under each of these clauses.

II.

The District disputes many of the actions attributed to it (and its employees) in Plaintiffs' pleadings. Nonetheless, the District also recognizes that it is not necessary to convene a full evidentiary trial to debate these contested actions. With respect to many of these disputed actions, the undersigned has advised counsel for Plaintiffs that there are certain assurances with respect to Establishment Clause concerns that the District is willing to make – without the necessity of debating whether the alleged past conduct has occurred. These assurances are offered without the need for even informal mediation.

III.

In their Statement to the Court filed this date, Plaintiffs suggest that “mediation is more likely to be fruitful if Defendant is willing to negotiate over the procedures governing speeches and remarks at graduation ceremonies and other school-sponsored events.” The District firmly believes that said procedures are set by the Texas Religious Viewpoint Anti-Discrimination Act (“TRVAA”). Said Act provides for a neutral selection policy for speakers ensuring the opportunity for the voicing of minority opinions and beliefs. Not only does the Act permit religious speech, but it expressly prohibits the District from discriminating against such speech. The District is neither in a position or a mind-set to negotiate away the fundamental rights of any of its students. Nonetheless, while the District believes that the terms of the TRVAA govern the “procedures” concerning student speech in limited public forums, the District also recognizes that the process of interpretation and application of the statute may be enlightened by discussion between the parties – especially given that Plaintiffs have not taken the position that TRVAA is unconstitutional.

IV.

To that end, Defendant concurs with Plaintiff that settlement discussions and/or mediation could prove fruitful and commits itself to those processes. At the very least, such endeavor may help to narrow the issues between the parties.

WHEREFORE, PREMISES CONSIDERED, for the reasons shown above, the Defendant prays for the granting of all such other and further relief, general and specific, at law or in equity, to which it shows itself entitled.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of July 2011, a true and correct copy of the above and foregoing Defendant's Statement Regarding the Court's Advisory and Order Concerning Procedures to Reach Resolution of the Merits of This Case, was electronically filed with the Clerk of the Court using CM/ECF system which will send notification of such filing to the following:

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